IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Okudera, Yoichi	:		
Application No:	09/875,208	:	GAU:	2145
Filed:	06/06/2001	:	Examiner:	Swearingen
Attorney Docket No.	3620-P02590US0	:		

For: ADDRESS INQUIRY SYSTEM. COMPUTER SOFTWARE PRODUCT, AND ADDRESS INQUIRY METHOD

REASONS FOR REQUESTING PRE-APPEAL CONFERENCE

CLAIM 1:

In the Advisory Action, the Examiner states that "any database stores content relationally by the use of indices, keys, and records." The Examiner further states that a "database relationally storing data is much broader than a relational database, and reads upon any database that stores information."

Applicant respectfully disagrees with the Examiner's distinction between relationally storing and a relational database. The two terms are synonymous to a person of ordinary skill in the art. It is not possible for a non-relational database to store information relationally. Only a relational database can store items relationally. A non-relational database stores information by non-relational means, i.e., not relationally. For example, "[a]nother type of non-relational database is the 'object database,' which stores data consistent with their object model." "Relational database." *Computer Desktop Encyclopedia.* Computer Language Company Inc., 2007. (Attached.) The non-relational object database stores data non-relationally according to the object model. A relational database store data relationally, and a non-relational database store data non-relationally. Therefore, the database of Claim 1 comprising "a data base [for] relationally storing..." is a relational database as understood by one of ordinary skill in the art.

Turning now to the Examiner's explanation of the rejection of Claim 1 in the Advisory Action, the explanation can be summarized as follows: Lee does not disclose that the database stores data relationally, but all databases store data relationally, so Lee's database must store data relationally. This argument is flawed, because not all databases store data relationally per the reasons and evidence provided above, as well as for the following additional reasons.

In support of his argument, the Examiner offers an quotation from a 2005 Microsoft publication (which is not prior art and was not provided to the Applicant) which defines relational databases. First, the citation proffered by the Examiner simply does not support the Examiner's own conclusion that "any database stores content relationally by the use of indices, keys, and records." According to the Examiner, the citation states that a relational database is:

> a database or database management system that stores information in tables – rows and columns of data – and conducts searches by using data in specified columns of one table to find additional data in another table.

Microsoft Computer Dictionary, 2005. The leap the Examiner must take from this citation to his conclusion that "any database stores content relationally by the use of indices, keys, and records" is completely unsupported by the citation or any other evidence of record. The citation does not state that all databases store information relationally or that all databases are relational databases. All the citation provides is a common definition of a relational database, which does not support the Examiner's conclusion.

As evidence that the Examiner is mistaken, the Applicant offers the following authority which repudiates the Examiner's conclusion that "any database stores content relationally by the use of indices, keys, and records." It is a fact that some databases store information relationally, and some do not.

> A relational database is a database that maintains a set of separate, related files (tables), but combines data elements from the files for queries and reports when required. ... In non-relational "hierarchical" and "network" databases, records in one file contain embedded pointers to the locations of records in another, such as customers to orders and vendors to purchases. Another type of non-relational database is the "object database," which stores data consistent with their object model. (Emphasis Added.)

"Relational database." *Computer Desktop Encyclopedia.* Computer Language Company Inc., 2007. From this definition, we know there are relational and non-relational databases. Because Lee does not disclose a relational database, the Examiner cannot make the argument that Lee's database relationally stores at least the old address, the new address, and an address disclosing condition.

In addition, the Examiner's conclusion that any database stores content relationally could not have flowed from the 2005 citation, because the citation merely describes one type of database, a relational database. The description of a relational database does not lend evidence to the argument that a "relational database" and a "database relationally storing" information are different concepts. Since the Examiner's conclusion was not supported by the citation or any other evidence of record, the Examiner apparently relied on his own

personal knowledge of databases to reach his conclusion. If the rejection of Claim 1 is based on facts within the personal knowledge of the Examiner, it is respectfully requested that the Examiner make such facts of record in the form of affidavit, as required by 37 C.F.R 1.104(d)(2), so the Applicant may be better apprised of the Examiner's position and take such responsive action as may be appropriate, in accordance with Rule 104(d)(2).

If the Examiner is not able to make the facts of record in the form of affidavit, the Examiner is left with the option of finding a reference to support the Examiner's conclusion that "any database stores content relationally by the use of indices, keys, and records" and issuing a new Office Action.

In summary, the Examiner's statement that "any database stores content relationally by the use of indices, keys, and records" is untrue and unsupported by any evidence of record including the 2005 Microsoft Publication. Applicant has demonstrated that the Lee database does disclose storing information relationally, and therefore the rejection of Claim 1 should be withdrawn.

CLAIM 3 (See also the Request for Reconsideration 2/28/07, page 3)

Claim 3 depends from Claim 1, and additionally requires that "the database relationally stores a plurality of old addresses and one new address." Lee cannot be interpreted to contain a plurality of old addresses, because according to the Examiner's reading of Lee, the Switchboard address is the claimed "old address," and Lee only discloses that the Switchboard has one address. *See* page 2, paragraph 3, sentence 1 of the Final Office Action (stating "The old address in Lee is the address [of]... the Switchboard.") According to the Examiner, the "new address is after the user releases the address to the inquirer," (*See* page 2, paragraph 3, sentence 2 of the Final Office Action for the Examiner's definition of new address.) Hence, in view of this statement of the Examiner concerning the "new address", the section of Lee relied upon by the Examiner (Col. 6, lines 16-19 of Lee) discloses a plurality of new addresses, not a plurality of old addresses. That is, the Examiner has found that Lee discloses one old Switchboard address and a plurality of new addresses, but Claim 3 requires a plurality of old addresses and at least one new address. Therefore, Lee does not disclose all of features of Claim 3, and accordingly, for at least this additional reason, Applicant respectfully requests that the rejection of Claim 3, as well as Claim 4 which depends therefrom, be withdrawn.

CLAIM 8 and 26:

Please review all remarks in the Request for Reconsideration 2/28/07, page 3. Additionally, please consider the following remarks:

According to the Examiner, the old address in Lee is the Switchboard address, *see* page 2, paragraph 3, sentence 1 of the Final Office Action (stating "The old address in Lee is the address [of]... the Switchboard.") Claims 8 and 26 require that "the address data base stores one, or two or more old addresses **of the registrant**." The Application makes clear that the registrant is a person and not a directory such as the Switchboard in Lee. See Applicant's publication 2002/0052971, column 21, disclosing "a system for making an inquiry about an address... in which a registrant registers his or her own address." The Switchboard is not a registrant, and therefore Lee does not disclose an old address of the registrant, as required by Claims 8 and 26. The rejections of Claims 8 and 26 and all claims dependant thereon should be withdrawn.

CLAIMS 17, 18, 34, and 35:
Please review all remarks in the Request for Reconsideration 2/28/07, page 4.

CLAIM 23, 24, 40, and 41: (Based on the Request for Reconsideration 2/28/07, page 5)

Claim 23 depends from Claim 8 and recites "an inquiry instructing means, stored in the storage medium and started based on the return of an electronic mail because its destination is unknown, for instructing the computer system to inquire of the system for making the inquiry about the address about an electronic mail address of an addressee of the electronic mail." The Examiner relies on Column 7, lines 1-50, but the processing system described in this section, or any other section of Lee, is **not** "started based on the return of an electronic mail because its destination is unknown..." Indeed, Lee does not even address the concept of a destination that is unknown, let alone an "inquiry instructing means ... started based on the return of an electronic mail because its destination is "unknown." Therefore neither the section of Lee relied upon, nor any other section of Lee, discloses the features of Claim 23.

Similarly in Claim 40, Lee does not disclose the step of "making an inquiry about the address based on the return of an electronic mail sent from the inquirer to the registrant because its destination is unknown." Lee does not disclose all the features of Claim 40, and the rejection should be withdrawn.

Claim 24 is dependant on Claim 8 and also recites "an inquiry instructing means, stored in the storage medium and started based on the impossibility of display of a home page because its destination is unknown, for instructing the computer system to inquire of the

system for making the inquiry, about the address about an address of the home page." The Examiner relies on Column 7, lines 1-50, but the processing system described in this section of Lee is **not** "started based on the impossibility of display of a home page because its destination is unknown." Indeed, Lee does not even address the concept of a destination that is unknown, let alone an "inquiry instructing means ... started based on the impossibility of display of a home page because its destination is unknown." Therefore, neither the section of Lee relied upon, nor any other section of Lee, discloses the features of Claim 24, and the rejection should be withdrawn.

Similarly in Claim 41, Lee does not disclose the step of "making an inquiry about the home page address of the registrant based on the refusal of a request for the display of a home page transmitted from the inquirer to the registrant because its destination is unknown." Lee does not disclose all the features of Claim 40, and the rejection should be withdrawn.

Respectfully submitted,

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Technology

Library > Science > Technology
relational database

A database that maintains a set of separate, related files (tables), but combines data elements from the files for queries and reports when required. The concept was developed in 1970 by Edgar Codd, whose objective was to accommodate a user's ad hoc request for selected data. Most every business database management system (DBMS), including Oracle, DB2, SQL Server, MySQL, etc., is a relational DBMS (RDBMS) (see DBMS).

Hierarchical, Network and Object Databases

In non-relational "hierarchical" and "network" databases, records in one file contain embedded pointers to the locations of records in another, such as customers to orders and vendors to purchases. These are fixed links set up ahead of time to speed up daily processing. Another type of non-relational database is the "object database," which stores data consistent with their object model (see object database).

Comparing and Joining

Routine queries to a relational database often require data from more than one file. For example, to obtain the names of customers who purchased a particular product, data must be extracted from both the customer and order files. A relational DBMS has the flexibility to "join" two or more files by comparing key fields such as account number and name and generating a new file from the records that meet the matching criteria (see join).

Indexes Are Used

In practice, a pure relational query can be very slow. In order to speed up the process, indexes are built and maintained on the key fields used for matching. Sometimes, indexes are created "on the fly" when the data are requested.

Relational Terms	Common Terms
Table or Relation	File
Row or Tuple	Record
Attribute or Field	Field

Three Must Read Articles from CMP's TechWeb

- Database Catch-Up